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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,466	06/26/2003	Sumedh N. Barde	MS1-1543US	3501

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EXAMINER	
FRINK, JOHN MOORE	
ART UNIT	PAPER NUMBER
2142	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/606,466	BARDE ET AL.	
	Examiner	Art Unit	
	John M. Frink	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7/03/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-9,11,12,27,28 and 31-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-9,11,12,27,28 and 31-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/05/2007, 7/03/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 5, 6, 12, 27, 28, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan-Schreiber et al. (US 6,892,354 B1), hereafter Servan, in view of Armstrong et al. (US 2005/0256941 A1), hereafter Armstrong.

3. Regarding claim 1, Servan shows receiving an advertisement from a content provided (Fig. 1), displaying said advertisement for at least a fixed duration (Fig.1, col. 3 lines 26 – 30), transmitting and loading (comprising buffering) new content (Abstract) and wherein the advertisement is displayed beyond the fixed duration if the buffering is not complete when the fixed duration expires (Abstract, col. 3 lines 26 – 30).

Servan does not show where said advertisement is a static image, or where said buffered new content is video content.

Armstong shows where said advertisement is a static image, or where said buffered new content is video content ([0020, 0024]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan with that of Armstrong in order to provide explicit support for specific advertisement types, such as static images or video files (Armstrong, Abstract, [0020, 0024]).

4. Regarding claim 5, Servan in view of Armstrong further show if the buffering is not complete when the fixed duration expires, ceasing display of the static image and playing the video content (Servan, Abstract and col. 3 lines 26 – 30, Armstrong [0020, 0024]).

5. Regarding claim 6, Servan in view of Armstrong further show where the static image is a plurality of static images comprising an animated image and the displaying comprises displaying the animated image (Armstrong, [0020, 0032]).

6. Regarding claim 12, Servan in view of Armstrong further show a media playing device comprising the processor-readable medium as recited in claim 1 (Armstrong, Fig. 4, [0025, 0044-0046]).

7. Regarding claim 27, Servan in view of Armstrong further show receiving a static image from a content provider, buffering video content from the content provider, and displaying the static image for, at least, a fixed duration, wherein, if the video content is not yet fully buffered at the expiration of the fixed duration, then the displaying of the static image continues until the video content is fully buffered (Armstrong, [0020, 0024], Servan col. 3 lines 26 - 30).

8. Regarding claim 28, Servan in view of Armstrong further show when the buffering of the video content is complete, ceasing the displaying of the static image; and playing the video content (Armstrong [0020, 0024, 0041, 0042], Fig. 2A – 2C, Fig. 3).

9. Regarding claim 31, Servan in view of Armstrong further show if the video content is fully buffered when the fixed duration expires, ceasing the displaying of the

static image and playing the video content (Servan, Abstract and col. 3 lines 26 – 30, Armstrong [0020, 0024]).

10. Regarding claim 32, Servan in view of Armstrong further show where the static image is a plurality of static images comprising an animated image and the displaying comprises displaying the animated image (Armstrong, [0020, 0032]).

11. Claims 7 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan in view of Armstrong as applied to claims 1 and 27 above, and further in view of Dunlap et al. (US 6,760,749 B1).

Servan in view of Armstrong show the method of claims 1 and 27.

Servan in view of Armstrong do not show where the static image is one of either a JPEG, GIF or PNG.

Dunlap et al. show where the static image is one of either a JPEG, GIF or PNG (col. 7 lines 1 - 35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan in view of Armstrong with that of Dunlap et al. in order to enable utilizing common industry standard graphic file formats.

12. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan in view of Armstrong as applied to claim 1 above, and further in view of Katseff et al. (5,822,537).

Servan in view of Armstrong show claim 1, along with requesting static images from a content provider (Armstrong [0020, 0024]).

Servan in view of Armstrong do not show implementing a play-list that includes a reference to a static image stored on the content provider and requesting the static images based on the reference.

Katseff et al. show implementing a play-list that includes a reference to a static image stored on the content provider and requesting the static images based on the reference (Figs. 6, 7, 8 and 9, col. 10 line 27 – col. 11 line 44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Armstrong et al. with that of Katseff et al. in order to facilitate showing the multiple static images referenced in the play list instead of just one static image, enabling displaying more information to the viewer.

13. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan in view of Armstrong as applied to claim 1 above, and further in view of Nakayama.

14. Regarding claim 8, Servan in view of Armstrong claim 1, along with requesting static images from a content provider (Armstrong [0020, 0024]).

Servan in view of Armstrong. do not show implementing a play-list that includes a reference to a static image stored on the content provider and requesting the static images based on the reference.

Nakayama et al. show implementing a play-list that includes a reference to a static image stored on the content provider and requesting the static images based on the reference (Figs. 7, 11, 12,13, col. 6 line 53 – col. 7 line 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan in view of Armstrong with that of Nakayama et al. in order to facilitate showing the multiple static images referenced in the play list instead of just one static image, enabling displaying more information to the viewer.

15. Regarding claim 9, Servan in view of Armstrong show claim 1, along with displaying a static image while a video buffers (Armstrong [0020, 0024, 0041-0042]) and further including where there is a minimum display time for said static image, representing said duration command (Armstrong, [0020, 0024], Servan col. 3 lines 26 – 30).

Servan in view of Armstrong do not show implementing a play-list that includes a duration command and defining the fixed duration by the duration command.

Nakayama et al. show implementing a play-list that includes a duration command and displaying the static image for a specified duration defined by the duration command (Figs. 7, 11, 12 and 13, col. 11 line 55 – col. 12 line 18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan in view of Armstrong with that of Nakayama et al. in order to facilitate showing the multiple static images referenced in the play list instead of just one static image, enabling displaying more information to the viewer and enabling specifying exactly how long each image is displayed and thus emphasized.

Servan in view of Armstrong and Nakayama thus show defining the fixed duration command by the duration command, as Servan in view of Armstrong and

Nakayama show said duration command resulting in the same behavior that would be caused by said fixed duration command.

16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Servan in view of Armstrong as applied to claim 1 above, and further in view of Lin (US 6,369,835 B1).

Servan in view of Armstrong show claim 1, including where there is a minimum display time for said static image, representing said duration command (Armstrong, [0020, 0024], Servan col. 3 lines 26 – 30).

Servan in view of Armstrong do not show implementing a play-list that includes a duration command and defining the fixed duration by the duration command.

Lin shows implementing a play-list that includes a duration command, where said duration command specifies the fixed duration of time an image will be shown (Abstract, Fig. 2, col. 1 lines 25 – 56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan in view of Armstrong with that of Lin in order to facilitate showing the multiple static images referenced in the play list instead of just one static image, enabling displaying more information to the viewer and enabling specifying exactly how long each image is displayed and thus emphasized.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Frink whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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